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Item 6 (b) of the provisional agenda*

INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

MUTUAL ASSISTANCE AND INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

Note by the Secretary-General

The Secretary-General has the honour to submit to the Commission on Crime Prevention and Criminal Justice the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998 (see annex).

*E/CN.15/1998/1.

V.98-51977 (E)

Annex

REPORT OF THE INTERGOVERNMENTAL EXPERT GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, HELD AT ARLINGTON, VIRGINIA, UNITED STATES OF AMERICA, FROM 23 TO 26 FEBRUARY 1998

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INTRODUCTION

1. The Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters was convened by the Secretary-General in response to General Assembly resolution 52/88, section I, and pursuant to Economic and Social Council resolution 1995/27, section I. The Assembly, in its resolution 52/88, section I, had recommended that the Expert Group should explore ways and means of increasing the efficiency of that type of international cooperation, having due regard to the rule of law and the protection of human rights, including by drafting alternative or complementary articles for the Model Treaty on Mutual Assistance in Criminal Matters (Assembly resolution 45/117, annex), developing model legislation and providing technical assistance in the development of agreements.

2. The Meeting complemented the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996 (E/CN.15/1997/6 and Corr.1, annex).

I. RECOMMENDATIONS

3. The Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters recommends to the Commission on Crime Prevention and Criminal Justice the consideration of the following draft resolution:

DRAFT RESOLUTION

Mutual assistance and international cooperation in criminal matters

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Bearing in mind that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in criminal justice must be regularly reviewed and revised to ensure that the specific contemporary problems of fighting crime are effectively addressed,

Bearing in mind that developing countries and countries with economies in transition may lack the resources for developing and implementing treaties on mutual assistance in criminal matters,

Convinced that complementing and supplementing the United Nations model treaties will contribute to increased efficiency in combating criminality,

Recalling its resolution 45/117 of 14 December 1990, in which it adopted the Model Treaty on Mutual Assistance in Criminal Matters, annexed to that resolution,

Recalling also its resolution 52/88 of 12 December 1997,

Commending the work of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998, to implement in part General Assembly resolution 52/88 by proposing complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters, elements for model legislation on mutual assistance in criminal matters, and training and technical assistance for national officials engaged in that field,

Commending also the Government of the United States of America for hosting the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, for its substantial contribution to the organization of the Meeting and for the support given by the National Institute of Justice of the United States Department of Justice through the programme of the United Nations On-line Crime and Justice Clearing House,

1. *Welcomes* the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998;[1]

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[1] E/CN.15/1998/7, annex.

2. *Decides* that the Model Treaty on Mutual Assistance in Criminal Matters should be complemented by the provisions set forth in annex I to the present resolution;

3. *Encourages* Member States, within the framework of national legal systems, to enact effective legislation on mutual assistance and calls upon the international community to give all possible assistance in order to contribute to the achievement of that goal;

4. *Requests* the Secretary-General to elaborate, in consultation with Member States and subject to the availability of extrabudgetary resources, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation on mutual assistance in criminal matters, in order to enhance effective cooperation between States, taking into account the elements recommended by the Expert Group on Mutual Assistance in Criminal Matters for inclusion in such model legislation, which are set forth in annex II to the present resolution;

5. *Invites* Member States to take into account the Model Treaty on Mutual Assistance in Criminal Matters in developing treaty relations at the bilateral, regional or multilateral level, as appropriate;

6. *Invites* Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the application of treaties on mutual assistance in criminal matters or other arrangements for such mutual assistance:

(a) Establishing and designating a national central authority or authorities to process requests for assistance;

(b) Undertaking regular reviews of their treaties on mutual assistance in criminal matters or other arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating established and emerging forms of crime;

(c) Concluding asset-sharing arrangements as a means of enabling forfeited proceeds of crime to be used to strengthen the capacity of national criminal justice systems and contributing a part of such proceeds to programmes for technical assistance, including training, to enhance national capacities for fighting crime in developing countries and in countries with economies in transition;

(d) Making use of videoconferencing and other modern means of communications for, *inter alia*, transmission of requests, consultation between central authorities, taking testimony and statements, and training;

7. *Encourages* Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to strengthen mutual assistance mechanisms, such as specialized training and, whenever possible, secondment and exchanges of relevant personnel, and to consider the use of videoconferencing and other modern means of communications for training purposes;

8. *Reiterates* its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to mutual assistance in criminal matters, as well as updated information on central authorities designated to deal with requests;

9. *Requests* the Secretary-General:

(a) Subject to the availability of extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 8 above and, in particular, to prepare, for use by Member States, a directory of central authorities responsible for mutual legal assistance, drawing on the information already collected during the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in drafting and implementing appropriate national legislation, developing and implementing bilateral, subregional, regional or international treaties on mutual assistance in criminal matters, drawing on the expertise of Member States as appropriate;

(c) To provide, in cooperation with interested Member States and relevant intergovernmental organizations, and subject to the availability of extrabudgetary resources, training on mutual assistance law and practice for personnel in appropriate governmental agencies and for central authorities of requesting Member States in an effort to develop the necessary skills and to improve communications and cooperation aimed at enhancing the effectiveness of mutual assistance mechanisms;

10. *Requests* the Secretary-General, subject to the availability of extrabudgetary resources and in cooperation with interested Member States, relevant intergovernmental organizations and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

11. *Commends* the International Institute of Higher Studies in Criminal Sciences of Siracusa, Italy, for its offer to organize and host up to two training seminars for mutual assistance officials and invites interested Member States to provide voluntary contributions to offset the travel costs of officials from developing countries and from countries with economies in transition and to make substantive contributions to the seminars;

12. *Urges* Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

13. *Also requests* the Secretary-General to ensure the full implementation of the provisions of the present resolution.

ANNEX I

Complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters

Article 1

1. In paragraph 3 (*b*), replace the words "Optional Protocol to" with the words "article 18 of".

Article 3

2. In the title of article 3 delete the word "competent".

3. Insert the word "central" before the word "authority".

4. Add the following footnote to the end of article 3:

> "Countries may wish to consider providing for direct communications between central authorities and for the central authorities to play an active role in ensuring the speedy execution of requests, controlling quality and setting priorities. Countries may also wish to agree that the central authorities are not the exclusive channel for assistance between the Parties and that the direct exchange of information should be encouraged to the extent permitted by domestic law or arrangements."

Article 4

5. In the footnote to paragraph 1, replace the last sentence with the following:

> "Countries may wish, where feasible, to render assistance, even if the act on which the request is based is not an offence in the requested State (absence of dual criminality). Countries may also consider restricting the requirement of dual criminality to certain types of assistance, such as search and seizure."

6. In paragraph 1 (*d*) delete the words "investigation or".

7. The English version of paragraph 1 (*d*) should be changed as follows, in order to be in line with the versions in the other languages:

> "(*d*) The request relates to an offence for which a prosecution is ongoing in the requested State or the prosecution of which in the requesting State would be incompatible with the requested State's law on double jeopardy (*ne bis in idem*)."

8. Add the following footnote to the end of paragraph 4:

> "States should consult in accordance with article 20 before assistance is refused or postponed."

Article 5

9. Add the following footnote to the end of paragraph 2:

"In urgent cases, countries may wish to provide that the request may be made by modern means of communication, including verbal requests that are confirmed in writing forthwith."

Article 6

10. Add the following footnote to the end of the article 6:

"The requested State should obtain such judicial orders as may be necessary for the execution of the request. Countries may also wish to agree, in accordance with national legislation, to represent or act on behalf or for the benefit of the requesting State in legal proceedings necessary to secure such orders."

Article 8

11. Add the following words to the end of the footnote to article 8:

", or restrict use of evidence only where the requested State makes an express request to that effect."

12. Add the following words to the beginning of article 8: "Unless otherwise agreed,"

Article 11

13. Add the following footnote to the end of paragraph 2:

"Wherever possible and consistent with the fundamental principles of domestic law, the Parties should permit testimony, statements or other forms of assistance to be given via video link or other modern means of communication and should ensure that perjury committed under such circumstances is a criminal offence."

Article 12

14. In the English version of paragraph 1, replace the word "required" with the words "called upon".

15. Add the following footnote to the end of the article:

"Some countries may wish to provide that a witness who is testifying in the requesting State may not refuse to testify on the basis of a privilege applicable in the requested State."

New article 18

16. Insert as new article 18, entitled "Proceeds of crime", paragraphs 1 to 6 of the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime and delete the remaining text of the Optional Protocol, including the footnotes.

17. Replace the word "Protocol" with the word "article" throughout the new article.

18. Add the following footnote to the end of the title of the new article:

"Assistance in forfeiting the proceeds of crime has emerged as an important instrument in international co-operation. Provisions similar to those outlined in the present article appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that could be considered is the need for other provisions dealing with issues related to bank secrecy. An addition could, for example, be made to paragraph 4 of the present article, providing that the requested State shall, upon request, take such measures as are permitted by its law to require compliance with monitoring orders by financial institutions. Provisions could be made for the equitable sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis."

19. Add the following footnote to the end of paragraph 5:

"The Parties might consider widening the scope of the present article by the inclusion of references to victims' restitution and the recovery of fines imposed as a sentence in a criminal prosecution."

Articles 18-21

20. Renumber the former article 18 (it should become article 19) and renumber all subsequent articles accordingly.

ANNEX II

Elements recommended for inclusion in model legislation on mutual assistance in criminal matters

A. General recommendation

1. Model legislation on mutual assistance in criminal matters should reflect in statutory terms the general provisions of the Model Treaty on Mutual Assistance in Criminal Matters, together with the recommendations contained in annex I above. To the extent possible, it should provide different options for States with different legal systems. Where relevant, it should take into account provisions of the model bill on mutual assistance in criminal matters developed in 1998 by the United Nations International Drug Control Programme.

B. Scope

2. The model legislation should provide a full range of flexible options for assuming mutual assistance obligations. When there is a treaty on mutual assistance in criminal matters, the terms of that treaty should govern the relationship. The legislation should also permit mutual assistance to be provided without a treaty, with or without reciprocity.

C. Jurisdiction

3. The model legislation should contain provisions to provide for jurisdiction, *inter alia*:

(a) To issue judicial orders necessary for executing mutual assistance requests;

(b) To authorize the requested State to act on behalf or for the benefit of, or to represent the interests of, the requesting State in legal proceedings necessary for executing mutual assistance requests;

(c) To punish perjury committed during mutual assistance, in particular perjury committed during videoconferencing.

D. Procedure

4. The model legislation should include options for procedures dealing with both incoming and outgoing requests for assistance in criminal matters. Such procedures should be in conformity with, whenever applicable, international and regional human rights instruments. Where no treaty provision is applicable, the legislation could also contain provisions on specific forms of mutual assistance, including testimony and other forms of cooperation carried out via video link, cooperation in asset seizure and forfeiture, and temporary transfer of witnesses in custody.

5. The model legislation should provide for the establishment of a central authority or authorities for the receipt and transmission of requests and the provision of advice and assistance to relevant authorities. The legislation should also specify the extent of the central authority's powers.

E. Communications

6. Where no treaty provision is applicable, the legislation should set forth the means of communicating between the requesting State and the requested State, allowing for use of the most modern forms of communication.

II. ORGANIZATION OF THE MEETING

A. Opening of the Meeting

4. The Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters was held at Arlington, Virginia, United States of America, from 23 to 26 February 1998. The Meeting was hosted by the Department of Justice and the Department of State of the United States Government. The Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat served as secretariat of the Meeting.

5. At the opening meeting, a statement was made by a representative of the Centre. A representative of the Criminal Division of the United States Department of Justice made an introductory statement. In her view, it was critical that States had the tools to ensure that bilateral and multilateral regimes for obtaining international mutual assistance in criminal investigations and prosecution could respond effectively to the problem of transnational crime. In addition to the further development of the Model Treaty on Mutual Assistance in Criminal Matters and the development of model legislation, training programmes and technical assistance were vital for mutual assistance regimes to be truly effective.

6. A representative of the National Institute of Justice of the United States Department of Justice, in his address, said that providing support to the Meeting was one of the activities of the Institute in support of the United Nations Crime Prevention and Criminal Justice Programme.

B. Attendance

7. The Meeting was attended by 67 experts appointed by the Governments of 38 countries and by observers for 3 intergovernmental organizations (see appendix).

C. Election of officers

8. Kenneth J. Harris (United States of America) was elected Chairman of the Meeting, and Augustine V. M. Chikumira (Zimbabwe) was elected Rapporteur. The discussion on agenda item 3 was chaired by Carlos Pujalte Piñeiro (Mexico), the discussion on agenda items 4 and 5 was chaired by Luigi Augusto Lauriola (Italy) and the discussion on items 6 and 7 was chaired by K. C. Singh (India).

D. Adoption of the agenda

9. The Meeting adopted the following agenda:

1. Opening of the Meeting and adoption of the agenda and organization of work.

2. Introduction to and discussion of common problems in mutual assistance law and practice and potential solutions.

3. Competent authorities, channels of communications, issues relating to the scope of application and refusal of assistance.

4. Use, limitations and protection of confidentiality, execution of requests and representation of the requesting State.

5. Forms and contents of request, obtaining testimony or evidence, use of video-link technology, collection of fines, restitution, forfeiture or confiscation.

6. Model legislation, alternative or complementary articles of the Model Treaty on Mutual Assistance in Criminal Matters and articles for possible model multilateral agreements.

7. Training and technical assistance mechanisms and materials to improve the level of mutual assistance practice.

8. Summary of conclusions and recommendations of the Meeting; and adoption of the report to be submitted to the Commission on Crime Prevention and Criminal Justice at its seventh session.

9. Closure of the Meeting.

III. SUMMARY OF THE DISCUSSION

10. Drawing on a background paper prepared by the Centre, the experts considered the central problems of law and practice in mutual assistance in criminal matters. It was emphasized that, in order to respond to new

and more sophisticated forms of crime, there was a need to increase the efficiency of mutual assistance procedures, to modernize existing tools and, where possible, to develop new forms of cooperation with due regard to the rule of law and the protection of human rights. Assistance should take place at the bilateral, regional and global levels. Among the issues identified as particularly significant were the following: the role of central authorities in expediting and monitoring requests and the ability of States to execute requests, providing for modern forms of assistance, such as the use of video-link technology; international cooperation concerning the proceeds of crime and the importance of training and technical assistance; and the need to adopt procedures that would bridge gaps between different legal systems.

11. All experts agreed that it was of paramount importance to respond to requests as expeditiously as possible. Delayed execution of requests could seriously impede the investigation and prosecution of crime. There was broad consensus that the use of modern means of communication could be part of the solution to the problem. Therefore, it was suggested that States could make urgent requests by such means of communication, including verbal requests to be confirmed in writing forthwith.

12. Participants discussed the role of treaties in mutual assistance in criminal matters on the basis of the Model Treaty on Mutual Assistance in Criminal Matters and national experience. It was stated that treaties, bilateral, regional, intraregional and multilateral, had the benefit of providing certainty of requirements and clear obligations. Many States relied on bilateral mutual assistance agreements, tailored to their particular needs in the area of bilateral relations. The value of regional and subregional agreements lay in the creation of a standardized legal framework for a larger group of countries, contributing to cost-effectiveness and streamlined assistance procedures. It was underscored, however, that mutual assistance should also be available without treaty, especially in cases involving serious types of crime.

13. Particular reference was made to the benefits of regional cooperation for the creation of legal instruments of cooperation and the training of experts. Regional agreements, such as the ones concluded by the Economic Community of West African States (ECOWAS), the Common Market of the Southern Cone (MERCOSUR), the Organization of American States, the Council of Europe and the European Community, were mentioned as reflecting the special needs of the States members of those organizations.

14. Regional agreements allowed for training that focused on the special needs and conditions of the member States of those organizations. Where appropriate, technical assistance to strengthen those structures could be best provided at the regional or subregional level. For example, ECOWAS, with assistance provided through the United Nations, had first developed a convention and then started a series of training activities for its member States.

15. Special emphasis was placed on improving the channels of communication. It was noted that traditional channels of communication involved a large number of authorities. Because there was an opportunity for delay at each link in the lengthy chain of communication, execution of requests and transmission of the evidence sometimes took place too late to be of use in the requesting State. Direct contact between the central authorities of the States parties to the treaty could contribute to more speedy communication. In addition, the central authorities could play an important role in implementing the treaty at the national level and advising local authorities on the special implications of international requests and could serve as a basis for information on relevant international instruments and legislation. Practical assistance rendered by the United Nations should include collecting information on central authorities on mutual assistance in criminal matters, establishing a database and preparing and distributing to relevant institutions a publication containing that information. One observer mentioned that at the regional level such initiatives had already been taken. Several participants supported a proposal that similar action should also be carried out at the global level. A form asking for information on central authorities was handed out, as a first step, to all participants with the request to return it to the Secretariat.

16. There was limited discussion of the feasibility of making mutual assistance agreements accessible to private parties. Many experts were of the opinion that such treaties should be open only to the States parties thereto. Some speakers noted that acting on behalf of private parties could create a conflict of interest for the executing authorities in the requested State and add a significant administrative burden.

17. With respect to article 8 of the Model Treaty, concerning limitations on the use of evidence obtained, some experts stressed the value of having such limitations, adding that the provision in its current form offered sufficient flexibility. Others, however, believed that the use of evidence should be restricted only where the requested State made an express request to that effect. The Meeting made a recommendation to add a footnote to the Model Treaty that would reflect that option.

18. On the issue of grounds for refusal because of the political nature of the offence, some experts expressed the view that assistance should be rendered when such an offence was a violent act. That would be in line with regulations that had already been agreed upon for the revised Model Treaty on Extradition and that were reflected in international conventions. Other experts felt that the issue was still controversial and would need further discussion.

19. A thorough discussion took place on the question of whether a State should refuse, or merely postpone, the execution of a request where the request related to an offence that was subject to investigation or prosecution in the requested State. While there was consensus that the mere possibility of an investigation should not constitute a ground for refusal, some speakers favoured allowing a refusal of assistance where the request related to an offence for which a prosecution was ongoing in the requested State. The Meeting recommended revising article 4, paragraph 1 (d), of the Model Treaty on Mutual Assistance in Criminal Matters to reflect the consensus that had been reached on it.

20. It was noted that the grounds for postponement specified in article 4, paragraph 3, of the Model Treaty were broader than the grounds for refusal set forth in article 4, paragraph 1 (d), which dealt with concerns about double jeopardy. There was also consensus that States should consult with each other prior to refusing or postponing assistance.

21. There was a thorough discussion of whether States should be able to refuse assistance based upon a lack of dual criminality. It was stated that States should endeavour to provide the widest measure of mutual assistance possible. Therefore, some experts were of the opinion that States should render assistance whenever feasible, even in the absence of dual criminality, and that a dual criminality requirement should be limited to cases involving compulsory process. Others, however, expressed the view that dual criminality was essential to the concept of mutual assistance, particularly regarding the most intrusive forms of mutual assistance. A number of speakers believed that States should further consider their position on dual criminality with a view to affording the broadest possible mutual assistance.

22. There was general discussion about representation of the requesting State in connection with the execution of requests for mutual assistance. A number of experts expressed the view that there should be an obligation on the part of the requested State to represent the requesting State. That was particularly important in cases requiring the involvement of judicial authorities and the issuance of judicial orders such as an order for search and seizure. It was noted that problems might arise where the requesting and requested States had a conflict of interest or where a request was made on behalf of a criminal defendant or target of investigation. Nonetheless, there was broad consensus that, by signing a treaty, a State undertook to act on behalf or for the benefit of its treaty partner. Conflicts of interest could be resolved on a case-by-case basis.

23. There was general agreement that among the most powerful weapons against criminal activity were laws providing for, and international cooperation on, the seizure or confiscation of the proceeds of crime. Speakers

recognized that the provisions included in the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime (General Assembly resolution 45/117, annex) were extremely useful in that regard. Because of the importance of cooperation in that area, integrating the Optional Protocol into the body of the Model Treaty was considered by the experts to be a priority.

24. A number of speakers also advocated the inclusion of language providing for the equitable sharing of confiscated proceeds of crime. There was a general understanding that States should be recommended to consider asset-sharing on an equitable basis. A case-by-case resolution was favoured by some speakers. The relevant provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[1] were referred to as possible guidelines for future consideration.

25. The participants recognized the critical importance of modernizing mutual assistance mechanisms with a view to countering evolving forms of criminality. In particular, there was considerable enthusiasm for increasing the use of video-link technology as a form of mutual assistance. Some experts shared their experiences in their countries to illustrate the utility of video links. It was noted that obtaining testimony via video link not only could aid in the protection of witnesses but, after the initial investment in developing or purchasing the technology, could also result in significant savings. A number of speakers noted, however, that disparities in development might hinder some countries from taking advantage of, or providing other countries with access to, modern communications technology. Technical assistance and funding were required to deal with that situation.

26. It was agreed that perjury committed in the context of video-link testimony had to be punishable as a criminal offence. The question was raised whether perjury should be prosecuted in the requesting State or the requested State. It was noted that further consideration had to be given to the rules on privileges that might apply in that context. Some countries did not permit the use of testimony taken by video-link or direct questioning by foreign authorities of individuals in their territory. Despite those possible problems, there was broad consensus on the need to further the use of video links and other forms of modern technology in the context of mutual assistance, consistent with the fundamental principles of domestic law. A presentation on modern training and technical assistance given by a representative of the National Institute of Justice of the United States Department of Justice further revealed the wide range of possibilities that modern technology could offer.

27. The experts also discussed general principles that should be included in any model legislation on mutual assistance to be subsequently developed (see annex II to the draft resolution contained in chapter I above). It was generally agreed that such legislation would be particularly useful for implementing obligations contained in mutual assistance treaties. The model legislation should provide different options that countries could choose from during the process of preparing legislation. With regard to provisions governing specific forms of assistance and procedures for making and executing requests, it was felt that the Model Treaty on Mutual Assistance in Criminal Matters generally provided a suitable framework.

28. Many speakers expressed the interest of their Governments in technical assistance and training as a means of enhancing capabilities in the mutual assistance area, including training seminars, expert meetings, research and advisory services. Particular interest was expressed in technical assistance and training to permit all interested States to make use of modern technology such as the Internet and videoconferencing. It was noted that the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House provided the beginning of a technological infrastructure that could be further extended in order to provide those capabilities. In addition to other forms of voluntary contributions, it was suggested that donor States should consider donating a portion of the forfeited assets to programmes aimed at enhancing national capacities for fighting crime in developing countries and in countries with economies in transition or for technical assistance and training in the area of mutual assistance.

29. The experts prepared a draft resolution for consideration by the Commission on Crime Prevention and Criminal Justice (see chapter I above). The draft resolution contained recommendations for action to enhance the effectiveness of international mutual assistance. The experts recognized that the draft resolution would have to be sponsored by a member State of the Commission. Because the draft resolution represented the product of the deliberations of the entire Expert Group and not that of a single member State, the Expert Group expressed the wish that the resolution could be co-sponsored by all States whose Governments had appointed experts to attend the Meeting.

Notes

[1]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

Appendix

LIST OF PARTICIPANTS

Experts

Kureng Akuei Pac (Sudan), Third Secretary, Alternate Permanent Representative of the Sudan to the United Nations (Vienna)

Adel Al-Jubeir (Saudi Arabia), First Secretary, Royal Embassy of Saudi Arabia, Washington, D.C.

Nail A. Al-Jubeir (Saudi Arabia), Second Secretary, Royal Embassy of Saudi Arabia, Washington, D.C.

Tarik Allagany (Saudi Arabia), Information Supervisor, Royal Embassy of Saudi Arabia, Washington, D.C.

Estrella Barrantes (Costa Rica) Vice Consul, Consulate of Costa Rica, Washington, D.C.

Carlos Rodriguez Bocanegra (Colombia), Legal Office's Delegate, Ministry of Foreign Affairs

Celal Bodur (Turkey), Chief, Ministry of Interior, General Directorate of Security

Cyprien F. Boko (Benin), Magistrat, Secrétaire Général du Ministère de la justice, de la legislation et des droits de l'homme

Jeffrey Bullwinkel (United States of America), Trial Attorney, Office of International Affairs, Criminal Division, Department of Justice

Arturo Cabrera (Ecuador), First Secretary, Embassy of Ecuador, Washington, D.C.

Victor Manuel Caro (Colombia), Administrative Assistant, Embassy of Colombia, Washington, D.C.

Sergey Chapkey (United States of America), International Visiting Fellow, National Institute of Justice, Department of Justice

Abdelhamid Ben Cheikh (Tunisia), Substitut de l'Avocat Général, Ministère de la justice

Augustine V. M. Chikumira (Zimbabwe), Director of Public Prosecutions, Office of the Attorney General

Juan Carlos Cue Vega (Mexico), Director General de Asuntos Legales Internacionales, Procuraduría General de la República

Gustavo Adolfo de Paoli (Arge ıtina), Sub-director General de Asuntos Jurídicos, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

Anne Delahaye (France), Service des affaires européennes et internationales, Ministère de la justice

Ilse Dias (Costa Rica), Asesora Jurídica, Ministerio de Relaciones Exteriores y Culto

Duan Jielong (China), First Secretary, Legal Section, Permanent Mission of China to the United Nations

El Fatih Mohamed Ahmed Erwa (Sudan), Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Sudan to the United Nations

Milton Evans (Bahamas), Assistant Director of Legal Affairs

Omer Dahab Fadol Mohamed (Sudan), Counsellor, Alternate Permanent Representative of the Sudan to the United Nations

Fernando Flores (Ecuador), Minister, Embassy of Ecuador, Washington, D.C.

John Harris (United States of America), Deputy Director, Office of International Affairs, Department of Justice

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Remiglo R. Kanyemba (Zimbabwe), Officer in Command, Criminal Investigation Department

Kenny Kapinga (Botswana), Senior Superintendent, Senior Staff Officer, Legal Services, Office of the Commissioner of Police, Police Headquarters

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Augustin K. Kouame (Côte d'Ivoire), Directeur des affaires civiles et pénales, Ministère de la justice et des libertés publiques

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Luigi Augusto Lauriola (Italy), Minister, Ministry of Foreign Affairs

In Gyu Lee (Republic of Korea), Counsellor for Legal Affairs, Embassy of the Republic of Korea, Washington, D.C.

Ahmad bin Maarop (Malaysia), Senior Federal Counsel, Head of Advisory Division, Attorney General's Chambers

Alhaji Bubacarr M. Marong (Gambia), State Counsel, Department of State for Justice and Attorney-General's Chambers

Jaime Visbal Martelo (Colombia), Asesor Despacho Ministro, Ministerio de Justicia y del Derecho

Faqir Zia Masoom (Pakistan), Minister, Embassy of Pakistan, Washington, D.C.

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Intergovernmental organizations represented by observers

International Criminal Police Organization

Organization for Security and Cooperation in Europe

Organization of American States

United Nations Secretariat

Centre for International Crime Prevention, Office for Drug Control and Crime Prevention